LAW AND PARLIAMENTARY SECRETARIAT

Notification No. LAW 25 LCA 1976.

Bangalore, dated 21st April 1976.

Ordered that the Conservation of Foreign and Prevention of Smuggling Aetivities (Amendment) Act, 1976 (20 of 76) published) in Part II, Section I of the *Gazette of India*, Extraordinary dated 9th February 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,

Under Secretary to Government,

19 *Dept, of Law and Parliamentary Affairs.*

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ACT, 1976

Act No. 20 of 1976. Assented to on 9th February 1976

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ACT

further to amend the Conservation of Foreign exchange and Prevention of Smuggling Activities Act, 1974

BE it enacted by Parliament in the Twenty-Seventh Year of the Republic of India as follows:—

1. **Short title and Commencement** (*1*) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 12th day of December, 1975

2. **Amendment of Section 9.**—In section 9 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) (hereinafter referred to as the principal Act), in sub-section (1), for the words, figures and letters "the 31st day of December, 1975", the words figures and letters "the 31st day of December, 1977" shall be substituted.

3. **Temporary Amendments.**—During the period when the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971 and the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, are both in operation, the principal Act shall have effect subject to the modifications that—

(1) in section 10—

(a) for the words "one year from the date of detention", the words "a period of one year from the date of detention or the specified period, whichever period expires later," shall be substituted;

(b) for the words "two years from the date of detention;", the words "a period of two years from the date of detention or the specified period, whichever period, expires later;" shall be substituted;

(c) the following *Explanation* shall be inserted at the end, namely :—

'*Explanation.*— In this section and in section 10A, "specified period" means the period during which the Proclamation of Emergency issued undr clause (1) of article 352 of the Constitution on the 3rd day of December, 1971 and the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, are both in operation ;

(2) after section 10, the following section shall be inserted, namely:—

"**10A. Extension of period of detention** (*1*) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (*1*) of

section 8 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement shall, unless his detention has been continued by the appropriate Government under the said clause for a period shorter than one year from the date of his detention, continue until the expiry of a period of one year from the date of his detention under such order or until the expiry of the specified period, whichever period expires later:

Provided that nothing contained in this sub-section shall effect the power of the appropriate Government to revoke or modify such detention order at any earlier time.

(2) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (f) of section 8 read with sub section (2) of section 9 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement, shall, unless his detention has been continued by the appropriate Government under the said clause (f) read with the said sub-section (2), for a period shorter than two years from the date of his detention, continue until the expiry of a period of two years from the date of his detention under such order or until the expiry of the specified period, whichever period expires later :

Provided that nothing contained in this sub-section shall affect the power of the appropriate Government to revoke or modify such detention order at any earlier time."

4. **Amendment of section 12.**—In section 12 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be sub-stituted, namely: –

"(1) The Central Government may, at any time direct that any person detained in pursuance of a denten-

tion order made by that Government or an officer subordinate to that Govt. or by a State Govt. or by an officer subordinate to a State Government may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts and may, at any time, cancel his release.

(1A) A State Government may at any time direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.'

(b) in sub-section (2), for the words, brackets and figure "under sub-section (1) the appropriate Government" the words, brackets, figures and letter "under sub-section (1) or sub-section (1A), the Government directing the release" shall be substituted.

(c) in sub section (3) and (5), for the word, bracket and figure "sub-section (1)", the words brackets figure and letter "sub-section (1) or sub-section (1A)" shall be substituted.

5. **Repeal and saving.**—(1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance 1975, 20 of 1975 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended and modified by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended